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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/135,154      08/17/98      HAMILTON      T      CL85-B73

022848      WM51/1026  
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EXAMINER
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ZIMMERMAN, B

ART UNIT	PAPER NUMBER
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2635

DATE MAILED: 10/26/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
**09/135,154**

Applicant(s)  
**Hamilton**

Examiner  
**Brian Zimmerman**

Group Art Unit  
**2635**



☒ Responsive to communication(s) filed on Aug 21, 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-20 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-20 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☐ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 4

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

### **EXAMINER'S RESPONSE**

#### **Status of Application.**

1. In response to the applicant's amendment received on 8/31/00. The examiner has considered the new presentation of claims and applicant arguments in view of the disclosure and the present state of the prior art. And it is the examiner's position that claims 1-20 remain unpatentable for the reasons set forth in this office action:

2. This case was previously assigned to Group 2735, but has been reassigned to Group 2635. Accordingly, all correspondence regarding this case should reflect Group 2635.

### **ART REJECTION**

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1-20 are rejected under 35 U.S.C. 102 (b) as being anticipated by Kohler (U.S. 5,115,236).

Regarding claims 1, 9, and 15, Kohler teaches a device (Fig. 2) for reducing power consumption in infrared-enabled appliances having power supply means and transceiver system means forming a circuit including switch means (Col. 1, lines 7-28 and Col. 2, lines 30-54), comprising: a discovery or (wake-up) signal receiver (RC

receiver in Fig. 2) and power actuator module (control voltage output 41 in Fig. 2), said module configured to recognize incident Ir discovery signals and responsively activate said switch means (Col. 3, lines 53-68 through Col. 5, lines 1-22).

Regarding claim 2, Kohler teaches an infrared receiver (Fig. 2) and discovery  
5 signal detection circuitry configured to recognize infrared discovery signals incident to said receiver and emit a power-up signal to said switch means (Fig. 2; Col. 4, lines 28-56).

Regarding claim 3, Kohler teaches a discovery signal receiver and power actuator module which consumes several micro-amperes (Col. 4, lines 33-35).

10 Regarding claim 4, Kohler teaches that the power-up (message) signal can be instigated by user input (keyboard 8 in Fig. 3) via the transmitter portion of the transceiver system (Col. 5, lines 30-48).

Regarding claims 5 and 6, Kohler teaches that the switch means defines an open condition in which electrical power to the transceiver system is interrupted, and a  
15 closed condition in which electrical power is supplied to the transceiver system, said closed condition being activated upon receipt of the power-up signal (Fig. 2 and Col. 2, lines 44-54).

Claim 7 is rejected based on the rationale discussed in paragraph 6, supra.

Regarding claim 8, the discovery signal in the transceiver system of Kohler  
20 would necessarily have to be a 9600 baud infrared signal as evidenced by the Infrared Data Association's (IrDA) Serial Link Infrared Access Protocol (IrLAP) specification

which teaches that discovery requests are at a data rate of 9600 (See chart on page 94). Thus, the 9600 baud rate for the discovery signal would be inherent in the operation of the Kohler system as discussed by the applicant as prior art on page 3 of the current specification..

5            Claims 10-14 and 16-20 are rejected based on the rationale discussed in paragraphs 4-7, supra.

### **REMARKS**

#### **Response to Arguments.**

10            The following discussion is introduced in direct response to the arguments presented in the instant amendment:

4.        The applicant believes that the claimed invention differs from the prior art of record for the following reasons:

15            a. The wake-up signal of Kohler is not a "Discovery signal".

5.        Regarding the applicants arguments the examiner points out the following:

          a. First it is pointed out that the applicant defines discovery signal on page 3 of the current specification as signals of a particular frequency band used by those in the  
20        IR industry to wake up other appliances. This statement, although a compelling admission that a discovery signal is a wake up signal, does not incorporate the

specifics of a Discovery signal to the current specification. This statement also does not specifically state that the amplitude of the discovery signal is the same as other signals or that it includes digital data. Nowhere in the specification is there any incorporation by reference of any standards which specify the characteristics of a "discovery signal." Therefore, the limitations not specifically claimed by the applicant are not given weight in the interpretation of the claims.

However, even if these unclaimed limitations were given weight, the applicant's own admission in the specification; that a discover signal is a signal used by the IR industry to wake up other appliances is evidence that a discover signal is functionally equivalent to, and a well know example of a wake up signal.

Accordingly, **THIS ACTION IS MADE FINAL**. See M.P.E.P. § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 C.F.R.


§ 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

**CONTACT INFORMATION**

Any inquiry concerning this communication or earlier communications  
from the examiner should be directed to Brian Zimmerman whose telephone number is  
(703) 305-4796.

Any inquiry of a general nature or relating to the status of this application should  
be directed to the Group receptionist whose telephone number is (703) 305-3900.

  
**Brian Zimmerman**  
**Patent Examiner**  
**Art Unit 2635**

703-305-4796  
October 24, 2000